

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT CINCINNATI**

DANIEL LITTLEPAGE,

Petitioner,

: Case No. 1:16-cv-1005

- vs -

District Judge Michael R. Barrett  
Magistrate Judge Michael R. Merz

WARDEN, Chillicothe  
Correctional Institution,

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Respondent.

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**ORDER DENYING STAY**

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This habeas corpus action is pending before District Judge Barrett for decision on the merits on the Magistrate Judge's Report and Recommendations and Supplemental Report and Recommendations (ECF Nos. 24 & 29). Petitioner has now moved to stay this case pending exhaustion of an appeal pending in the First District Court of Appeals in its Case No. C-180524 (ECF No. 32, PageID 1368).

The Motion to Stay is DENIED on the same basis as Petitioner's prior Motion to Stay, to wit, that the Respondent has not raised a lack of exhaustion defense (See ECF No. 29, PageID 1290).

October 10, 2018.

s/ *Michael R. Merz*  
United States Magistrate Judge